

10/089695

BOX PCT
PATENT
0760-0305P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yukoh HIEI et al. Conf.: 5501
Appl. No.: 10/089,695 Group: Unassigned
Filed: April 3, 2002 Examiner: Unassigned
For: METHOD FOR PROMOTING EFFICIENCY OF GENE
TRANSFER INTO PLANT CELLS

L E T T E R

BOX PCT
Assistant Commissioner for Patents
Washington, DC 20231

July 29, 2002
(Monday)

Sir:

Applicant wishes to advise the United States Patent and Trademark Office that a Declaration was filed on May 21, 2002, to perfect Applicant's filing requirements.

The filing requirements were perfected prior to the receipt of the Notification of Missing Requirements (371 Formalities Letter), a copy of which is attached hereto.


As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the Declaration and Power of Attorney, filed May 21, 2002, and a copy of the postcard indicating receipt of the Declaration by the U.S.P.T.O.

Appl. No. 10/089,695

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #32,868
Gerald M. Murphy, Jr., #28,977

ef
GMM/ETP/jeb
0760-0305P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Copy of 371 Formalities Letter
Copy of Postcard Receipt
Copy of Declaration and Power of Attorney

(Rev. 12/03/01)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747 · Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 · Facsimile: (703) 205-8050

Attorney Docket No.

0760-0305P

C P Y

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: "Method for Promoting Efficiency of Gene Transfer into Plant Cells"

the specification of which is attached hereto. If not attached hereto,
the specification was filed on _____ as
United States Application Number _____;
and amended on _____ (if applicable) and/or
the specification was filed on 08/03/00 as PCT
International Application Number PCT/JP00/05214; and was
amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>158026/99</u> (Number)	<u>Japan</u> (Country)	<u>06/04/99</u> (Month/Day/Year Filed)	No
_____ (Number)	_____ (Country)	_____ (Month/Day/Year Filed)	

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country	Application Number	Date of Filing (Month/Day/Year)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with written notice to the contrary:

Raymond C. Stewart
Joseph A. Kolasch
Bernard L. Sweeney
Charles Gorenstein
Leonard R. Svensson
Andrew D. Meikle
Joe McKinney Muncy
John W. Bailey
Gary D. Yacura

(Reg. No. 21,066)
(Reg. No. 22,463)
(Reg. No. 24,448)
(Reg. No. 29,271)
(Reg. No. 30,330)
(Reg. No. 32,868)
(Reg. No. 32,334)
(Reg. No. 32,881)
(Reg. No. 35,416)

Terrell C. Birch
James M. Slattery
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Gerald M. Murphy, Jr.
Terry L. Clark
Marc S. Weiner
Donald J. Daley
John A. Castellano

(Reg. No. 19,382)
(Reg. No. 28,380)
(Reg. No. 29,680)
(Reg. No. 28,977)
(Reg. No. 32,644)
(Reg. No. 32,181)
(Reg. No. 34,313)
(Reg. No. 35,094)

Send Correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or
P.O. Box 747 · Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 · Facsimile: (703) 205-8050

Customer No. 2292

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

GIVEN NAME/FAMILY NAME Yukoh HIEI	INVENTOR'S SIGNATURE <i>Yukoh Hiei</i>	DATE* <i>Apr. 9, 2002</i>
Residence (City, State & Country) Iwata-gun, Shizuoka, JAPAN		CITIZENSHIP Japanese
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) c/o Orynova K.K., 700, Higashibara, Toyoda-cho, Iwata-gun, Shizuoka, 438-0802 JAPAN		
GIVEN NAME/FAMILY NAME Keisuke KASAOKA	INVENTOR'S SIGNATURE <i>Keisuke Kasaka</i>	DATE* <i>Apr. 9, 2002</i>
Residence (City, State & Country) Oyama-shi, Tochigi, JAPAN		CITIZENSHIP Japanese
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) c/o Japan Tobacco Inc., Leaf Tobacco Research Center, 1900, Idei, Ooaza, Oyama-shi, Tochigi, 323-0808 JAPAN		
GIVEN NAME/FAMILY NAME Yuji ISHIDA	INVENTOR'S SIGNATURE <i>Yuji Ishida</i>	DATE* <i>Apr. 9, 2002</i>
Residence (City, State & Country) Iwata-gun, Shizuoka, JAPAN		CITIZENSHIP Japanese
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) c/o Orynova K.K., 700, Higashibara, Toyoda-cho, Iwata-gun, Shizuoka, 438-0802 JAPAN		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)	CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)	CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)		

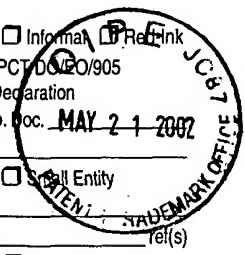
*DATE OF SIGNATURE

Papers Filed herewith on: 05-21-02
DOCKET NO.: 0760-0305P ATTY: GMM/ETP
APPLICANT(S): HIEI et al
APPLN. NO.: 101089,695 FILED: 04-03-02
PAT NO.: _____

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☒ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. MAY 21 2002
☐ Amendment:
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Discl Stmt. PTO-1449(s) _____ ref(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☒ FEES: \$40.00 Ckt# 5632474
☐ Letter: _____
☐ Other: _____

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: none
Handcarry: _____

DOCKET NO. 0760-0305P

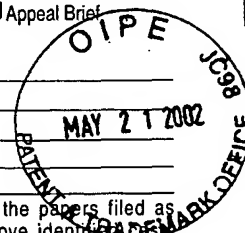


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☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☒ Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Discl Stmt. PTO-1449(s) _____ ref(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☐ FEES: _____
☐ Letter: _____
☐ Other: _____

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 06-03-02
Handcarry: _____

DOCKET NO. 0760-0305P





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/089,695	Hiei Yukoh	0760-0350-P-305 P

02292
 BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

INTERNATIONAL APPLICATION NO.

PCT/JP00/05214

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

08/03/2000

CONFIRMATION NO. 5501

371 FORMALITIES LETTER



OC000000008352724

Docketed
 7-2702 ES
 Response

Date Mailed: 06/27/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 305-6421

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/089,695	PCT/JP00/05214	0760-0350 P

FORM PCT/DO/EO/905 (371 Formalities Notice)